

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11547-RWZ

LAUREN VARALLO

v.

TOWN OF NANTUCKET POLICE DEPARTMENT  
and JAMES SAMSON

ORDER

May 22, 2007

ZOBEL, D.J.

In a four-count complaint plaintiff asserts civil rights and tort claims against the Town of Nantucket Police Department and one of its officers, James Samson, who allegedly sexually assaulted plaintiff while she was a patient at the Nantucket Hospital under his watch after a suicide attempt.

The complaint is somewhat unorthodox. Count I is merely a recitation of the facts alleged without any legal claims. Count II asserts claims against Samson for violations of plaintiff's civil rights under state and federal law. Count III alleges civil rights violations against the Town for policies and practices implicating faulty hiring, training, supervising and assigning of its officers. Count IV, against both the Town and the officer, sets forth a number of negligent and intentional torts.

Defendant, Town of Nantucket Police Department, has moved for partial summary judgment.

Since Count I is merely a recitation of facts without any legally cognizable claim, the motion is allowed as to this count.

The motion is allowed also as to Count III because neither the facts alleged nor the law upon which these claims are premised support the claims.

The motion is allowed as to the intentional tort claims in Count IV, assault and battery, outrageous conduct, intentional infliction of emotional distress and invasion of privacy. It is denied as to the negligence claims.

In summary, the motion for partial summary judgment is allowed as to all claims against the Town except those for negligence.

\_\_\_\_\_  
May 22, 2007

DATE

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/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE